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### R E M A R K S

Reconsideration of the present application in view of the following remarks is respectfully requested. Sixty-four claims are pending in the application: Claims 1 through 64

#### Double Patenting

1. Claims 21-27 stand rejected under 35 U.S.C. 101 as claiming the same invention of claims 1-7 of prior U.S. Patent No. 6,199,195 (*Goodwin et al.*).

M.P.E.P section 804 states that "[a] reliable test for double patenting under 35 U.S.C. 101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent. *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970). Is there an embodiment of the invention that falls within the scope of one claim, but not the other? If there is such an embodiment, then identical subject matter is not defined by both claims and statutory double patenting would not exist."

Claim 1 of *Goodwin et al.* recites in part "generating a plurality of logical models using a plurality of modeling tools; translating each of the plurality of logical models into corresponding ones of a plurality of unified models; generating a system definition comprising a plurality of templates, each defining at least one service within a framework" (underlining added).

In contrast, claim 21 of the present application recites "generating a logical model using a modeling tool; translating the logical model into a corresponding unified model;

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generating a system definition comprising a template, the template defining at least one service within a framework" (underlining added).

Claim 1 of *Goodwin et al.* recites a plurality of logical models, a plurality of modeling tools and a plurality of templates. In contrast claim 21 of the present application recites a logical model, a modeling tool and a template. A exemplary system that included only one logical model, one modeling tool and one template would thus, infringe claim 21 of the present application, however, would not infringe claim 1 of *Goodwin et al.* as the exemplary system does not include a plurality of the elements required by claim 1 of *Goodwin et al.* Therefore, claim 21 of the present application could be literally infringed without literally infringing claim 1 in *Goodwin et al.*

Therefore, Applicants respectfully submit the rejection is overcome and claims 21-27 are in condition for allowance.

35 U.S.C. § 102

2. Claims 1-64 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,018,627 (*Lyengar et al.*)

*Lyengar et al.* disclose a programmed computer system including a set of development tools, each having a format used to store data and code files. *Lyengar et al.* provide a method for the complete development cycle of code generation.

Regarding independent claim 1, it appears the Examiner has equated "generating a translation file containing translation logic," as claimed by Applicant, to the creation of business models. Column 1, lines 33-35 of *Lyengar et al.* describe a process that starts with creating business models and processes

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to representing the business model as an object model. As described in *Lyengar et al.* business models define different business processes. Business processes describe activities that need to be performed within an organization. Examples include processing purchase orders, payroll processing or processing insurance claims (See *Lyengar et al.* Column 1, lines 20-25). Software applications are then derived from the business processes. In contrast, Applicants' claim recites "generating a translation file containing translation logic." As described at page 44, line 20-25 of Applicants' specification, the translation file, for example, defines the translation logic used to translate data from a database into a standard format and to translate data from the standard format back into the form in which the database originally stored the data. Writing source code to create a software application for representing a business model or process as disclosed in *Lyengar et al.*, does not teach the generation of a translation file. Thus, Applicants respectfully submit *Lyengar et al.* does not teach or suggest "generating a translation file containing translation logic," as claimed by Applicant.

Still further, Applicants' claim recites "generating translation source code as a function of the translation file." The Examiner cites Column 2, lines 62-63 of *Lyengar et al.* as teaching Applicants claimed "generating translation source code as a function of the translation file." This section of *Lyengar et al.* states "In addition, the system generates a skeleton code based on the information in the UML model." A UML model is an object model that is represented in a unified modeling language. The UML model and the object model are not a translation file containing translation logic as described above. Thus, there is

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no generation of "translation source code as a function of the translation file," as claimed by Applicants.

Additionally, the system of *Lyengar et al.* generates "skeleton code" and does not generate "source code" as claimed by Applicants. Skeleton code only includes an outline or an interface of an object model. As described at Column 9, line 36 of *Lyengar et al.*, "A developer may build on the skeleton code to create the methods." Thus, the developer still writes the implementation of the methods after the "skeleton code" is generated. In contrast, Applicants claimed generation of a translation source code defines the implementation of the translation logic. As described, in *Lyengar et al.* the implementation (i.e., the methods) would still need to be written by a programmer after the generation of the skeleton code. Therefore *Lyengar et al.* does not teach or suggest "generating translation source code as a function of the translation file," as claimed by Applicants. Therefore, Applicants respectfully submit the rejection is overcome and claim 1 is in condition for allowance. Claims 2-8 are also in condition for allowance at least because of their dependency upon claim 1.

Regarding independent claim 9, the Examiner states that claim 9 is another version of the claimed method discussed above in claims 1-4, wherein all the claimed limitations have been addressed and or cited as set forth above. Applicants respectfully traverse this assertion. Many of the elements of claim 9 do not appear in claims 1-4 and therefore were not previously addressed by the Examiner. For instance, claim 9 recites "providing the code generator with a system definition." This element is not present in claims 1-4. Claim 9 further

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recites "generating source code objects as a function of the unified model and the system definition," and "generating source code objects as a function of the unified model and the translation file," neither of which are found in claims 1-4. Regardless, Applicants will further distinguish claim 9 from the cited reference.

First, claim 9 recites "providing a code generator with a unified model represented in a unified modeling language," and "providing the code generator with a system definition." Column 2, lines 62-63 of *Lyengar et al.* states that the system generates skeleton code base on the information in the UML model. Thus, while the information in the UML model is used to generate skeleton code, the code generator is not additionally provided with a system definition, such as is claimed by Applicant. Thus, *Lyengar et al.* does not teach or suggest, "providing the code generator with a system definition," such as is claimed by Applicants.

Further, claim 9 recites "generating source code objects as a function of the unified model and the system definition." In *Lyengar et al.* the skeleton code is generated only from the UML model. Therefore, *Lyengar et al.* does not teach or suggest generation source code objects as a function of both the unified model and the system definition. Still further, as described above with reference to claim 1, skeleton code is not equivalent to Applicants claimed source objects. As described above, the skeleton code simply provides an outline for the programmer. The implementation of the methods is still written by the programmer. Thus, *Lyengar et al.* does not teach "generation source code objects," such as is claimed by Applicants.

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Claim 9 additionally recites "providing the code generator with a translation file in the unified modeling language" and "generating source code objects as a function of the unified model and the translation file." As described above with reference to claim 1, *Lyengar et al.* does not teach a translation file or the generation of source code objects as a function of the translation file. Therefore, for these additional reasons *Lyengar et al.* does not teach all of the elements of claim 9. Therefore, Applicants respectfully submit the rejection is overcome and claim 9 is in condition for allowance. Claims 10-12 are also in condition for allowance at least because of their dependency upon claim 9.

Regarding claim 13, similarly as discussed above with regard to claim 1, *Lyengar et al.* does not teach "a translation layer defined by translation source code." As described above with reference to claim 1, the section of *Lyengar et al.* cited by the Examiner teach the generation of skeleton code and representation of a business model in a unified modeling language. There is no teaching of translation source code such as claimed by Applicants. Therefore, Applicants respectfully submit the rejection is overcome and claim 13 is in condition for allowance. Claims 14-20 are also in condition for allowance at least because of their dependency upon claim 13.

Regarding claim 21, the Examiner has equated Column 1, line 33-35 of *Lyengar et al.* to Applicants claimed "generating a logical model using a modeling tool; translating the logical model into a corresponding unified model; and generating a system definition comprising a template, the template defining at least

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one service within a framework." As described above with reference to claim 1 business models define different business processes. The Business processes describe activities that need to be performed within an organization. Examples include processing purchase orders, payroll processing or processing insurance claims (See *Lyengar et al.* Column 1, lines 20-25). Software applications are then derived from the business processes. Applicants claim recites generating a logical model using a modeling tool and translating the logical model into a corresponding unified model which the Examiner has equated to building of a business model and an object model. However, applicants claim further recites "generating a system definition comprising a template defining at least one service within a framework." The template defines a different service than the unified model. However, the Examiner has equated the object model of *Lyengar et al.* to both of these elements of the claim. Applicants claimed system definition comprising a template is not disclosed by *Lyengar et al.* as the system definition is different from the unified model as claimed.

Still further, Applicants' claim 21 recites "generating at least one source code object as a function of the unified model and the template." Again, as described above, *Lyengar et al.* does not teach generation of a source code object and specifically does not teach generation of a source code object base upon both a unified model and the template. *Lyengar et al.* only teaches generation of skeleton code based upon a unified model. Advantageously, Applicants claimed invention provides the ability to generate functional source code for a new application that utilizes the functionality of a unified model. This novel feature is not taught or described by *Lyengar et al.*

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Therefore, Applicants respectfully submit the rejection is overcome and claim 21 is in condition for allowance. Claims 21-29 are also in condition for allowance at least because of their dependency upon claim 21.

Claims 30-64 are also allowable for the same reasons as outline in the above. Therefore, Applicants respectfully submit that all of the pending claims are in condition for allowance.



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C O N C L U S I O N

In view of the above, Applicants submits that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited. Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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